

JUL. 2. 2003 2:05PM

513 241 6234

NO. 6673 P. 4/21

**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence for Application No. 10/044,615 is being facsimile transmitted to Technology Center 3600, fax number (703) 872-9326, on July 2, 2003

  
Keith R. Haupt, Reg. No. 37,638

Date

July 2, 2003

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 10/044,615  
Filed: January 11, 2002  
Group Art Unit: 3683  
Examiner: Devos C. Kramer  
Applicant: Miller et al.  
Title: PISTON AND ROD ASSEMBLY FOR AIR-ACTUATED VARIABLE DAMPING  
Attorney Docket: DP-306241/DEAU-37  
Confirmation No.: 9471

Cincinnati, Ohio 45202

July 2, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Official**

**FAX RECEIVED**

**JUL 03 2003**

**GROUP 3600**

Sir:

**AMENDMENT AND RESPONSE**

In response to the Office Action mailed April 4, 2003, please amend the application as follows.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 13 of this paper.

**WOOD, HERRON & EVANS, L.L.P.**

JOHN D. POFFENBERGER  
 BRUCE TITTEL  
 DONALD F. FREI  
 DAVID J. JOSEPHIC  
 DAVID S. STALLARD  
 J. ROBERT CHAMBERS  
 GREGORY J. LUNN  
 KURT L. GROSSMAN  
 CLEMENT H. LUKEN, JR.  
 THOMAS J. BURGER  
 GREGORY F. AHRENS  
 WAYNE L. JACOBS  
 KURT A. SUMME  
 KEVIN G. ROONEY  
 KEITH R. HAUPT  
 THEODORE R. REMAKLUS  
 THOMAS W. HUMPHREY  
 SCOTT A. STINEBRUNER  
 DAVID H. BRINKMAN

OF COUNSEL  
 THOMAS W. FLYNN

2700 CAREW TOWER  
 441 VINE STREET  
 CINCINNATI, OHIO 45202-2917  
 TELEPHONE: 513-241-2324  
 FACSIMILE: 513-421-7269  
 EMAIL: Info@whapatent.com

PATENT, TRADEMARK, COPYRIGHT  
 AND UNFAIR COMPETITION LAW  
 AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968  
 TRUMAN A. HERRON 1935-1978  
 EDWARD B. EVANS 1936-1971

JOSEPH R. JORDAN  
 C. RICHARD EBY  
 DAVID E. PRITCHARD

J. DWIGHT POFFENBERGER, JR.  
 BEVERLY A. LYMAN, PH.D.  
 KATHRYN E. SMITH  
 KRISTIL L. DAVIDSON  
 P. ANDREW BLATT, PH.D.  
 DAVID E. JEFFERIES  
 WILLIAM R. ALLEN, PH.D.  
 JOHN PAUL DAVIS  
 DOUGLAS A. SCHOLER  
 BRETT A. SCHATZ  
 DAVID W. DORTON  
 G. PRASHAKAR REDDY  
 SARAH OTTE GRABER  
 LARRY D. MOORE  
 WESLEY L. STRICKLAND (VA, DC BAR ONLY)

TECHNICAL ADVISORS  
 HENRY M. LABODA, PH.D.

July 2, 2003

**FACSIMILE COVER SHEET**

To: Technology Center 3600  
 Examiner Devon C. Kramer

From: Keith R. Haupt

Fax: (703) 872-9326

Re: Our File: DEAU-37  
 Serial No. 10/044,615

Pages: 21 (including cover sheet)

**MESSAGE/COMMENTS**

Attached herewith is the formal Response to Office Action  
 submitted for the above-identified application.

**PLEASE DELIVER IMMEDIATELY TO  
 EXAMINER DEVON C. KRAMER**

Encls: Cover Page (1 pg.)  
 Amendment Transmittal (2 pgs.)  
 Amendment and Response (18 pgs.)

The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail. Thank you. If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant. OUR FAX NUMBER IS (513) 421-7269.

**Official**

**FAX RECEIVED**

**JUL 03 2003**

**GROUP 3600**

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Miller et al. Examiner: Devon C. Kramer  
 Serial No.: 10/044,615 Group No.: 3683  
 Filed: January 11, 2001  
 Title: PISTON AND ROD ASSEMBLY FOR AIR-ACTUATED VARIABLE DAMPING  
 Attorney Docket: DEAU-37  
 Confirmation No.: 9471

Commissioner of Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

July 2, 2003

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.
2. ☐ Small Entity status is claimed.  
☒ Other Than a Small Entity.
3. The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)	SMALL ENTITY		LARGE ENTITY	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Additional Fee	Rate	Additional Fee
TOTAL *	18	MINUS **	20	0	x 9		x 18	\$ 0.00
INDEP. *	11	MINUS ***	7	4	x 42		x 84	\$ 336.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+140		+280	
					TOTAL FEE		TOTAL FEE	\$ 336.00

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
 \*\* If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.  
 \*\*\* If the "Highest No. Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest No. Previously Paid for" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

- ☐ No additional fee for claims is required.
4. ☐ Attached is a check in the sum of \$\_\_\_\_.
- ☒ Please charge my Deposit Account No. 23-3000 in the amount of \$ 336.00.  
A duplicate copy of this sheet is attached.

5. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

Complete (a) or (b) as applicable.

(a) \_\_\_\_\_ Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
_____ one month	\$ 110.00	\$ 55.00
_____ two months	\$ 400.00	\$ 200.00
_____ three months	\$ 920.00	\$ 460.00
_____ four months	\$1,440.00	\$ 720.00
_____ five months	\$1,960.00	\$ 980.00

\_\_\_\_\_ Attached is a check in the amount of \$ \_\_\_\_\_ for the \_\_\_\_\_ month extension fee as required by 37 C.F.R. § 1.17(c).

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

\_\_\_\_\_ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$ \_\_\_\_\_.

OR

(b) X Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition for extension of time.

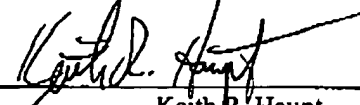
X If any additional fee for claims or extension of time is required, charge Deposit Account No. 23-3000.

2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202  
(513) 241-2324 (voice)  
(513) 421-7269 (fax)

  
Keith R. Haupt, Reg. No. 37,638

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to Technology Center 3600, fax number (708) 872-9326 on July 2, 2003.

  
Keith R. Haupt

July 2, 2003  
Date  
K:\DEAL\37\amd1 transmittal.wpd